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(Bill No. 1 of 1956)

NOTIFICATION.

LA.4-183|56. *16th February 1956.*

The following Bill together with the Statement of Objects and Reasons attached to it, is published, as ordered by the Speaker under Rule 73 of the Rules of Procedure and Conduct of Business in the Travancore-Cochin Legislative Assembly.

Legislature Secretariat,
Trivandrum.

V. KRISHNAMOORTHI,
Secretary,
Legislative Assembly.

THE MUNICIPAL (TEMPORARY PROVISIONS) AMENDMENT BILL, 1956.

A BILL TO AMEND THE MUNICIPAL (TEMPORARY PROVISIONS) ACT, 1953.

Preamble.—WHEREAS it is expedient to amend the Municipal (Temporary Provisions) Act, 1953 (III of 1953) for the purposes hereinafter appearing;

BE it enacted in the Seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Municipal (Temporary Provisions) Amendment Act, 1956.

(2) It shall come into force at once.

2. *Amendment of Section 1, Act III of 1953.*—In sub-section (3) of Section 1 of the Municipal (Temporary Provisions) Act, 1953 (III of 1953), hereinafter referred to as the said Act, for the words and figures "first day of January, 1956", the words and figures "first day of January, 1959" shall be substituted.

3. *Insertion of new Sections 1A and 1B in Act III of 1953.*—After Section 1 of the said Act, the following sections shall be inserted, namely:—

"1A. *Extension of term of office of Mayor, Chairmen and Councillors.*—Notwithstanding anything to the contrary contained in Sections 29 and 57 of the Trivandrum City Municipal Act, IV of 1116 or Sections 8 and 392A of the Travancore District Municipalities Act, 1116 (XXIII of 1116) or Section 8 of the Cochin Municipal Act, XVIII of 1113, as modified by the Municipal (Temporary Provisions) Act, 1953 (III of 1953), the term of office of the Mayor, the Chairmen of Standing Committees and the Councillors of the Corporation of the City of Trivandrum and of the Chairmen and members of all the Municipal Councils constituted under the Travancore District Municipalities Act, 1116 (XXIII of 1116) and the Cochin Municipal Act, XVIII of 1113, holding office at the commencement of the Municipal (Temporary Provisions) Amendment Act, 1956 shall extend up to and expire at noon on the fifteenth day of March, 1956.

1B. *Section 29 of the Trivandrum City Municipal Act to have effect subject to certain modifications.*—In their application to the election of the Mayor and the Chairman of each Standing Committee in the year 1956, the provisions of Section 29 of the Trivandrum City Municipal Act, IV of 1116 shall have effect as if for the words "first day of January", the words and figures "fifteenth day of March, 1956" were substituted and the words "in each year" in both the places where they occur were omitted."

4. *Amendment of Section 2, Act III of 1953.*—In Section 2 of the said Act—

(1) for the proviso to clause (1), the following proviso shall be substituted, namely:—

"Provided that in the case of the Council constituted next after the commencement of the Municipal (Temporary Provisions) Amendment Act, 1956, the term of office of the Councillors shall be for the period beginning at noon on the fifteenth day of March, 1956 and expiring at noon on the first day of January, 1959.";

(2) for the proviso to sub-clause (a) of clause (2), the following proviso shall be substituted, namely:—

"Provided that in the case of the Councils constituted next after the commencement of the Municipal (Temporary Provisions) Amendment Act, 1956, the term of office of the Councillors shall be for the period beginning at noon on the fifteenth day of March, 1956 and expiring at noon on the first day of January, 1959."; and

(3) for the proviso to sub-clause (a) of clause (3), the following proviso shall be substituted, namely:—

"Provided that in the case of the Councils constituted next after the commencement of the Municipal (Temporary Provisions) Amendment Act, 1956, the term of office of the Councillors shall be for the period beginning at noon on the fifteenth day of March, 1956 and expiring at noon on the first day of January, 1959."

5. *Repeal and savings.*—(1) The Municipal (Temporary Provisions) Amendment Ordinance, 1955 (V of 1955) is hereby repealed.

(2) The repeal by this Act of the said Ordinance shall not affect the operation thereof, and any order made, action taken, thing done or notification issued in the exercise of any powers conferred by the said Ordinance shall, for all purposes, be deemed to have been made, taken, done or issued in the exercise of powers conferred by this Act as if this Act were in force at the time such order was made, action was taken, thing was done or notification was issued.

Statement of Objects and Reasons.

According to the provisions in the Municipal Acts in force the normal term of the councillors is three years beginning and expiring at noon on the first day of January. Some of the provisions of the Municipal Acts were modified by the Municipal (Temporary Provisions) Act, 1953 (III of 1953) which would have ceased to have force from the first January, 1956. By virtue of the provisions as so modified the term of office of the present councillors commenced on the fifteenth day of February, 1953 and would have expired on the first day of January, 1956. The new councils to be constituted under the Municipal Acts had therefore to come into office on the first day of January, 1956 and elections should have been conducted and completed before that date. But it was found not possible to conduct the elections in time, since in certain Municipalities redistribution of wards had to be made. It would, however, be possible to complete the elections before the fifteenth day of March, 1956 so that the newly constituted councils can come into office on that day. It was, therefore, necessary to extend the term of office of the Mayor, the Chairmen of Standing Committees and Councillors of the Corporation of the City of Trivandrum and the Chairmen and Councillors of the Municipal Councils in the

State upto the fifteenth day of March, 1956. For this purpose suitable amendments had to be made to the relevant provisions of the Municipal (Temporary Provisions) Act, 1953.

Accordingly His Highness the Rajpramukh promulgated the Municipal (Temporary Provisions) Amendment Ordinance, 1955 (V of 1955) to give effect to the above objects. The present Bill is intended to replace the Ordinance by an Act of the legislature.

K. KOCHUKUTTAN.

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